

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MARILYN KUNELIUS,

Plaintiff,

v.

TOWN OF STOW, et al.

Defendants.

CIVIL ACTION NO. 05-11697-GAO

**THE TRUST FOR PUBLIC LAND'S MOTION TO QUASH  
PLAINTIFF'S SUBPOENA AND NOTICE OF DEPOSITION  
TO THE KEEPER OF THE RECORDS FOR WAINWRIGHT BANK**

Pursuant to Rules 26 and 45 of the Federal Rules of Civil Procedure, defendant the Trust for Public Land ("TPL") hereby moves to quash a Subpoena *Duces Tecum* and Notice of Deposition served by plaintiff Marilyn Kunelius on a non-party, the Keeper of the Records for Wainwright Bank.

For the reasons stated in the accompanying Memorandum of Law, TPL respectfully requests that the Court quash the subpoena and notice of deposition in all respects and grant such other and further relief as this Court shall order.

**REQUEST FOR ORAL ARGUMENT**

TPL believes oral argument may assist the Court and hereby requests oral argument on this Motion pursuant to Local Rule 7.1(D).

Dated: February 28, 2007

Respectfully submitted,

THE TRUST FOR PUBLIC LAND

By its attorneys,

/s/ Dahlia S. Fetouh  
Richard A. Oetheimer (BBO # 377665)  
Dahlia S. Fetouh (BBO # 651196)  
Goodwin Procter LLP  
Exchange Place  
Boston, MA 02109  
(617) 570-1000

**CERTIFICATION UNDER LOCAL RULE 7.1 AND LOCAL RULE 37.1**

I, Dahlia S. Fetouh, hereby certify that counsel for The Trust for Public Land conferred with Michael McLaughlin, counsel for Plaintiff, on February 26, 2007 at 6:00 p.m. in the offices of Plaintiff's counsel for approximately fifteen minutes in a good faith attempt to resolve or narrow the issues in this motion prior to its filing. The parties were unable to reach any agreement on the issues presented in this motion and accompanying memorandum of law.

/s/ Dahlia S. Fetouh  
Dahlia S. Fetouh

**CERTIFICATE OF SERVICE**

I, Dahlia S. Fetouh, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 28, 2007.

/s/ Dahlia S. Fetouh  
Dahlia S. Fetouh

LIBA/1767854.1